

TESTIMONY OF PAUL BETTENCOURT BEFORE COMMITTEE ON HOUSE ADMINISTRATION

June 22, 2006

Mr. Chairman and members of the committee:

My name is Paul Bettencourt, and I am the elected Tax Assessor-Collector and Voter Registrar for Harris County, Texas, the county that includes the City of Houston. I am honored to have been asked to speak before you today on an issue of great importance to those of us charged with ensuring the accuracy and integrity of the nation's voter registration rolls, which totals 1,892,883 in Harris County alone.

My office collects approximately \$3.8 billion in taxes from Harris County residents every year. Most of my constituents aren't happy about parting with their hard-earned money, but it is in my role as voter registrar that I can hear from over 50,000 constituents in just one day.

Since my election in 1998, the Tax Office has emphasized upgrading voter technology and the training of our staff because we know that the "right to vote" is sacrosanct. As voter registrar for Harris County, I work constantly with my staff to try to maintain the most accurate voter roll possible by employing the most up-to-date technology available. This includes comparing our voter registration list with other known good governmental services, such as the Texas Department of Public Safety, the United States Postal Service's National Change of Address List, the Social Security Department's Deceased List, and the Secretary of State's Statewide Voter Roll. Our original efforts in 2000 found more than 50,000 registrations that had to be deleted or suspended under law just by comparing the voter roll to these other governmental databases.

The Harris County Voter Registration Office has been recognized by various groups for our efforts to guarantee an accurate voter roll, including the

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National Association of Latino Elected and Appointed Officials, the Texas Secretary of State's Office and other organizations. We work extremely hard to avoid even minor problems with the voter roll by staffing a large "cross-trained" Call Center on election days to answer questions from precinct judges and county voters. On Election Day 2004 alone, our Call Center answered more than 51,000 live calls, in addition to an automated call system ably supported by our County Clerk, Beverly Kaufman, who conducts elections in Harris County.

Illegal voting and registration by foreign nationals is difficult for my office to prevent without federal assistance. We have three main ways to try to identify illegal registrations; the first is reliance on the "honor system" from the public; secondly, U.S. Immigration and Customs Enforcement checks during the naturalization process; and thirdly, and most effectively, is through juror records maintained by Harris County District Clerk Charles Bacarisse. The District Clerk's office routinely submits lists of jurors who have been excused from jury duty for non-citizenship, and we compare that list against our records of registered voters and send written challenges to those individuals who have used this exemption from jury duty.

With the help of Congress, we can do far more. Passage of legislation such as the Federal Election Integrity Act of 2006 would help my office ensure that only U.S. citizens are allowed to vote in federal, state and local elections. I am aware that some municipalities allow foreign citizens to vote in local elections, but the State of Texas amended its Constitution in 1921 to require that voters be U.S. citizens. Voting should be a right of citizenship in the United States.

The extent of illegal voting by foreign citizens in my home county is impossible to determine, but we know that it has and will continue to occur. Harris County is the third most populous county in the United States, with nearly 3.7 million residents - nearly 1.9 million of whom are registered to vote. If you've ever been to Houston, you know it's a remarkably diverse city. More than 22 percent of our county residents - nearly 1 in 4 - were born outside the United States, and more than 500,000 of them are estimated to be non-U.S. citizens.

As it now stands, we have no real way to stop a foreign citizen from voting. If a foreign national sends in a voter registration application and checks off that he or she is a citizen of the United States, they will get a card – unless we have some prior knowledge that their information is false. There is no reliable database of which I am aware that we can check against for proof of citizenship, but there could be at the federal level.

Just last year, a reporter with the Houston Chronicle called me, asking how it was that a resident of suburban Houston, a Norwegian citizen, was able to vote in the November 2004 federal, state and local elections. The answer, of course, was that he was not legally allowed to vote.

Neither was the Brazilian citizen whose registration was canceled in 1996 after she acknowledged on a jury summons that she was not a U.S. citizen. She then reapplied in 1997, again claiming to be a U.S. citizen, and was again given a voter card, which was again canceled. Records show she was able to vote at least four times in general and primary elections. With the Harris County Tax Office's modern voter registration system, this type of fraud can easily be detected in 2006 but not in 1997.

A review by my office in early 2005 turned up at least 35 cases in which foreign nationals either applied for or received voter's cards. Even in the nation's third-largest county, we regularly have elections decided by one, two, or just a handful of votes in any one of our more than 400 local government jurisdictions. Therefore, every vote truly counts.

The federal government could combine the 50 states list from their Department of Public Safety driver's license records that maintain photo identification records, many with proof of citizenship. These records could be compared to federal data like passport lists, ICE records, or Social Security numbers to confirm these records electronically. In a county larger than 22 states, my office regularly maintains 7.1 million database records annually that can change on a yearly basis, so I know from real-world experience that this effort is feasible both technically and operationally.

Is voting taken so lightly that we cannot require so little an effort as the production of a photo ID? We require such identification from those buying tobacco or alcohol, boarding an airplane or using a credit card. Those not having a photo ID can be provided one by government at no cost to the voter.

Without a federal remedy, local registrants can do little to stop foreign citizens from registering in any election. Requiring proof of citizenship at the time of registration or re-registration will stop this documented fraud. We are all aware of the argument that such a requirement is a barrier or an inconvenience to those attempting to vote, but with 21st century technology, the task can be easily done and almost transparent to the citizen voters of this nation.

Additional information on the Harris County Voter Registration department's efforts can be seen at our Web site, hcvoter.net. Thank you again for your time and attention.